Quid Novi

McGill University Faculty of Law
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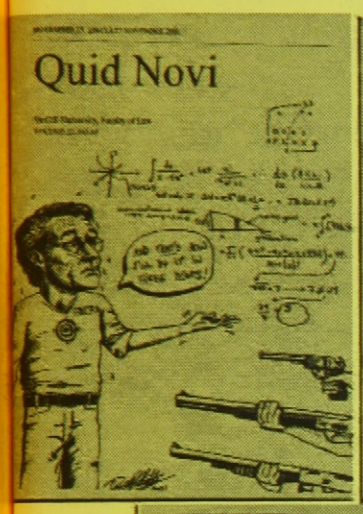

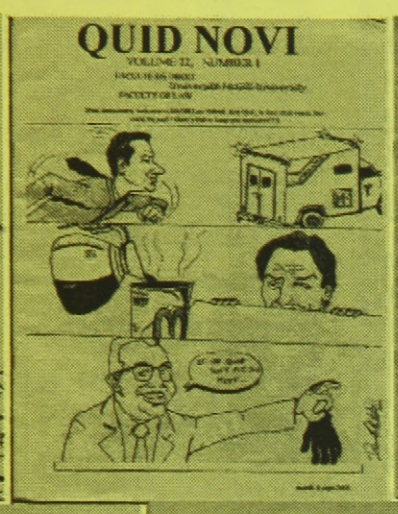

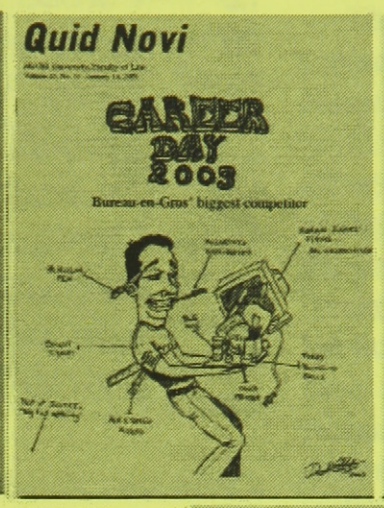

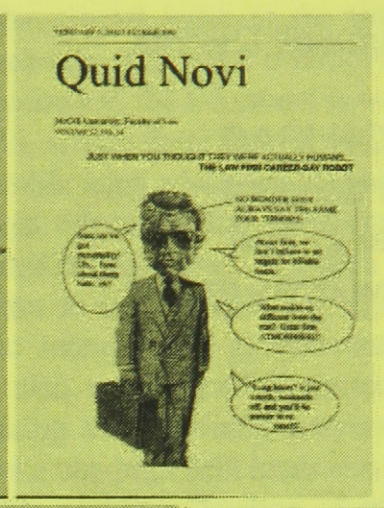

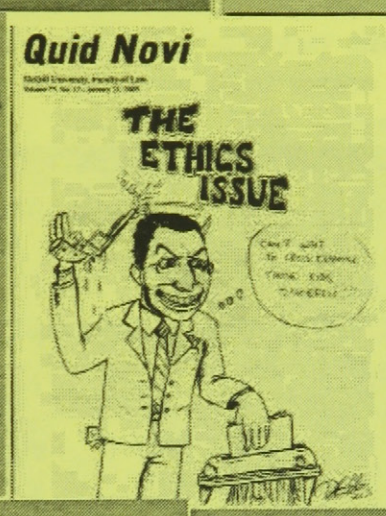

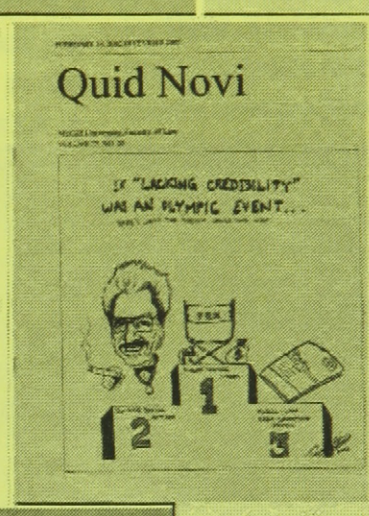

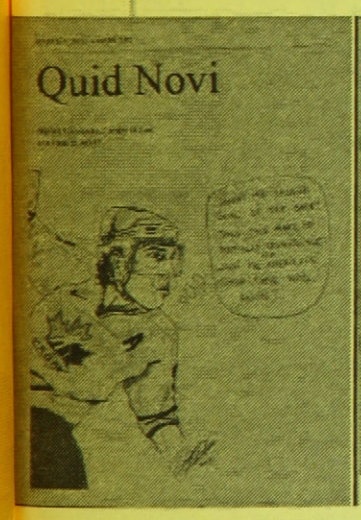

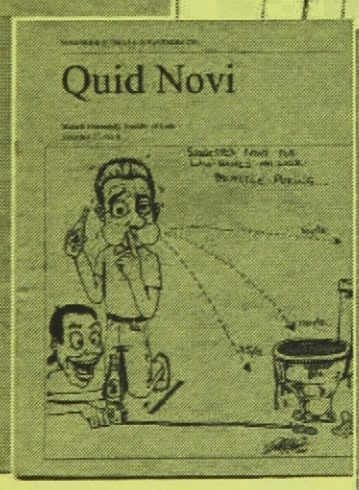

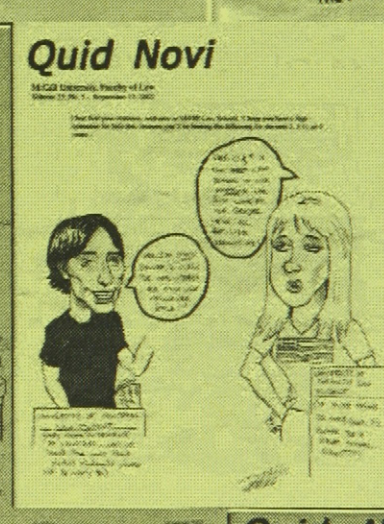

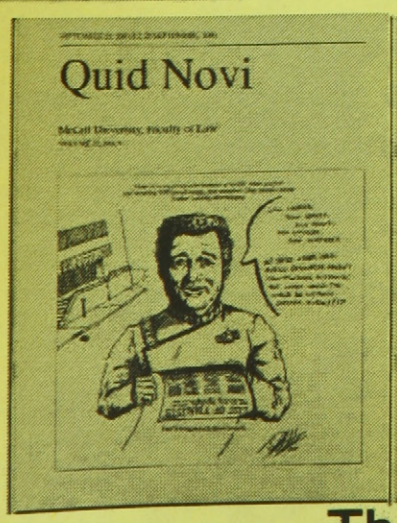

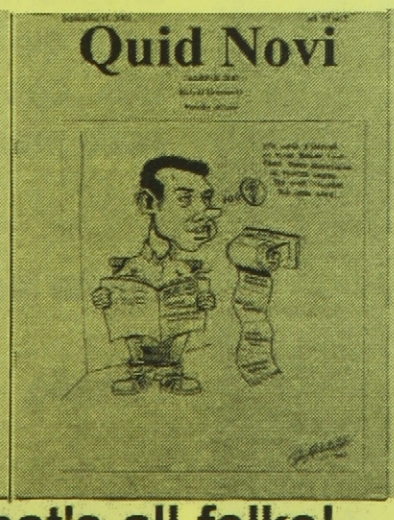

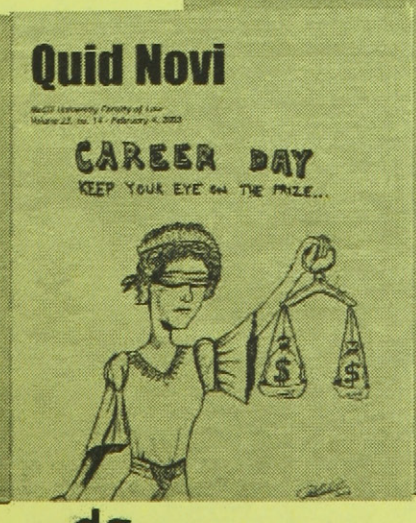

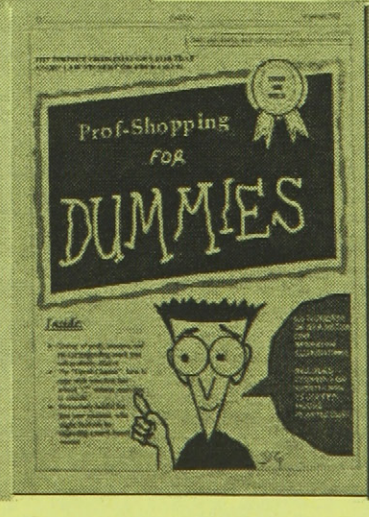

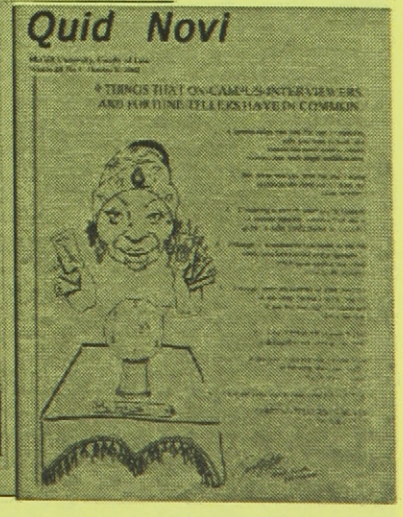

That's all folks! **dg**

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Envoyez vos commentaires ou articles avant jeudi 5 p.m. à:

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Editor's Note...

Lundi le 17 mars, 10:30... l'Histoire se déroule et je prétends écrire un éditorial, pourtant sans importance.

La joie, les brillants et les guirlandes, la musique et la danse de Skit Nite se reposent maintenant dans les bons souvenirs et dans mon Kodak. Quelle intensité! Je tiens à féliciter toute l'équipe et souligner la participation en grand nombre des Law I! Le public, pourtant las et rêveur, se retrouve entraîné de force dans le tourbillon de fin de session. Eh oui, ça arrive déjà!

Épuisée par cette longue semaine, je m'installai tranquillement au bureau du Quid pour faire la mise en page de cette édition. En faisant la liste des articles, j'ai cru à une blague: beaucoup de nos contributeurs avaient soumis 2 articles! Ou alors je voyais double, encore possible... Confuse et incapable de réfléchir à l'heure qu'il était, j'ai cédé à la tentation de tout laisser pour le lendemain. Mais non, c'était pourtant vrai... Phénomène rare et inexpliqué, non consensuel? Enfin, *"il est des hasards qui ne sont pas de ce monde"*...

Un grand merci du fond du coeur à notre cher Dennis qui mérite une palme d'or pour ses excellents dessins de première page qui ont tant fait sourire la faculté ces dernières années! Tu nous manque déjà!

Bonne lecture de cette édition "bi"!

Rosalie

Reconsidering Privatization

by Jared Will (Law I)

Noah Billick's article of last week offered a fresh analysis of the potential impacts of the privatization of the Faculty of Law by way of comparison to the results of the University of Toronto privatization. The basic conclusion seems to be that if privatization can in fact serve as a system of wealth redistribution and does not seriously alter career choices, then it is a legitimate means for raising revenue for the Faculty. Moreover, it would be a more equitable means of raising that revenue because McGill Law, as an intellectually elite institution should not be depending on public funds to support itself.

The argument is extremely compelling but, at bottom, untenable.

First, the fact that, as Billick points out, the overall spending on financial aid has increased and that there are more students who are receiving financial aid does not alone support the conclusion that privatization has increased accessibility. The fact that tuition has increased means that more students will need aid, regardless of a shift in the socio-economic composition of the student cohort. Therefore, it does not follow from the fact that more students are receiving aid post-privatization that more low-income students are attending or able to attend the Faculty.

Moreover, the possibility of receiving financial assistance will not be, in many cases, sufficient to elicit application and registration from prospective students that could not otherwise afford tuition. As Marta Juzwiak's article on the same page of last week's *Quid* makes clear, many people must make their choices about where to apply independent of the possibility of financial aid. If tuition is beyond their means, many prospective students will simply not bother applying. This is reinforced by the fact that application fees are in fact a substantial hurdle for many applicants.

Second, the fact that there has not been a significant shift in career trajectory since the implementation of deregulated tuition at the University of Toronto has little independent merit. First, there are a plethora of factors that affect career choice, including the availability of jobs and various other economic factors. Second, if in fact there has not been an increase of low income students in the Faculty, then there is no reason to think that increased tuition will affect career trajectory. If most students in the Faculty can either afford tuition independently or are receiving additional aid, then there is no reason to believe that career trajectory would be affected. It is low income background students that are most susceptible to tuition flux affecting career trajectory.

The crucial issue is the intersection of accessibility and career trajectory; and here a comparison to the US model is worthwhile. In the US, where there are very few options for affordable legal education, and where the cost of legal education has risen dramatically in the past decade, there has been a correlated increase in student debt for legal graduates. Public interest and government institutions have also experienced increased difficulties recruiting and retaining lawyers. Many law students cite high debt loads as a major factor in their non-consideration of public-interest and government positions. Thus, in a context where comparatively low-cost legal education is not a significant factor (i.e. where students of all socio-economic backgrounds attend ▶

expensive institutions) tuition costs apparently have an appreciable impact on career trajectory.

The fear that remains unmitigated by Billick's argument is that low-income applicants will simply not apply to privatized institutions in Canada given the availability of more affordable institutions. The claim that public education is unfair to the public is also dubious. If the institution is truly economically accessible to all, then the fact that it is intellectually inaccessible to many is of lesser concern. It may well be that, in socio-economic terms, a disproportionate percentage of the population is now paying for an institution that they will never attend, but that is more of a problem of inequitable taxation and the regrettable overrepresentation of higher-income applicants among those that qualify as intellectually elite. I see no unfairness in a tax system that redistributes wealth and opportunity by collecting income-indexed taxes to fund an institution available to people from all socio-economic backgrounds. That seems to be a more appropriate manner of achieving wealth redistribution as it avoids the flaw of deterring potential applicants from low-income backgrounds.

Finally, the claim that economically accessible education is one of Canadian's defining characteristics is true only in comparative terms. Yes, post-secondary education here is more accessible than in a certain nation to our south. However, to claim that higher education here is economically accessible is to ignore both the economic reality of a large portion of the population and the socio-economic composition of Canadian universities. ■

No Reason to Reconsider: Privatization is Just as Bad as it Always Was

by Finn Makela (Law II)

Noah Billick argues that we ought to reconsider privatization on the grounds that our current "flat-fee/flat-tax system" looks less like a system of wealth redistribution than privatization accompanied by a robust financial aid program. Rhetorically, it is a nice twist to try to support reactionary policies with progressive sentiments – who can disagree with the claim that "[a]ccessible education… is a human right". But "rhetoric" is the right term here – Billick's position is just a rehash of a tired old argument that has been discredited on multiple occasions.

Billick is not alone, however. Ross Finnie, an Adjunct Professor at the Queen's School of Policy Studies has been making variations on the same claim for years. In papers for the conservative C.D. Howe Institute, as well as presentations for Statistics Canada's education series, Finnie has asserted that public funding for post-secondary education is actually a regressive wealth transfer, since most people who take advantage of state-subsidized tuition fees are middle or upper-class. Finnie asks why working-class people's tax money should be spent on educating elites. It's a good question, but it's based on bullshit assumptions.

First, there is a simple conflation of cause and effect. If lower-income Canadians are not attending university, then this is likely because they don't enough money to do so, even with access to government loans. The solution is not to raise tuition fees. Finnie himself has admitted that an improved student loan system is not in itself the answer to this problem, since people from lower-income families are more likely to "suffer from debt aversion." Funny how watching your parents struggle under crushing debt-loads will make one wary of borrowing vast amounts to go to university. Finnie's solution is to educate potential students from lower-income families to overcome the "sticker shock" effect. "Educating potential students" here of course means using propaganda to make them accept that lifetime debt is "the price to pay" for an education.

Second, Finnie's argument is based on an overly narrow conception of where the money to pay for the education system is coming from. It is certainly true that public education costs lots of taxpayer dollars, but this does not make it a regressive transfer. Ana Ferrer and Craig Riddell (both of UBC's Economic and Social Policy Research Centre) have long argued that the increased income that comes from having a degree generates significantly more tax-dollars than ▶

Privatization: Reconsidered and Rejected

by Antonio Iacovelli (Law I)

In response to Noah Billick, MBA's reconsideration of privatization, I applaud his attempt to reconcile his view of accessible education *qua* "human right" with his penchant for privatizing the Faculty. The result was an Orwellian exercise in *doublethink* of acrobatic proportions but, much like the *National Post*, no one's buying it.

Put simply, accessibility and privatization are antithetical. Instead of contradicting this statement, the University of Toronto data that Noah discusses bears it out. If more U of T law students are on the financial aid dole, then it follows that tuition fees are within the reach of fewer students. This forces a greater proportion of students to incur a burdensome debt that they must repay.

When considering how debts affect career paths, it's important to note that students must repay debts in dollars, not daisies. Meanwhile, indebted graduates can also look forward to a future of rent or mortgage payments along with taxes to complement their tuition liabilities. Inevitably, something has got to give and that something is usually the array of feasible career choices, often leaving more lucrative corporate law positions as the only viable solution.

For three reasons, Noah does not reassure me when he mentions that "the proportion of U of T law graduates who took positions with 'non-corporate entities' has increased two percent since 1995." The first reason is that "non-corporate" is so vague a qualifier that it is meaningless. The second is that 2 percent of graduates is hardly an impressive proportion. And third, the said data goes back to 1995 while U of T's law school only started to privatize in 1999. So what we're left with is information telling us that a negligible proportion of U of T law students took positions with entities whose exact nature eludes us at a time when Toronto's Faculty of Law wasn't even private. That's hardly a killer argument to assuage the worries of people opposed to ▶

(Privatization as bad as always, cont'd)

the entire cost (tuition fees and subsidies) of the education. Lest you wonder if this isn't a reason to charge more up-front and then have the higher income used to repay the loan, I should point out that loans aren't wealth redistributive, whereas taxes are. A system of grants, not loans, is a better alternative.

It was not quite clear to me what Billick meant by the "flat-fee/flat-tax system" we allegedly currently have. Yes, we have fees that are insensitive to income, but our tax system is not flat (yet…). The higher taxes that wealthier people make are used to provide the subsidies necessary to keep fees lower than they otherwise would be. If anything, the solution to the (minor) disparity caused by flat fees is a more progressive tax system that eventually provides the funding to eliminate individual tuition costs altogether.

Even if Billick's argument were right, and we ignored the factual and logical errors, there is still a good reason to reject it as a policy guide. Billick says that his support for privatization as a method of wealth redistribution is contingent on a "fair, and properly administered financial aid program". No such program has ever existed, and nobody has provided any models of what it would look like.

While there is not a shred of evidence to suggest that increasing tuition fees, regardless of the student financial assistance model in place, will enhance access to higher education, there is growing evidence that increasing tuition fees in Canada and elsewhere have compromised access.

In Canada, privatization has already been considered and found lacking. Billick doesn't give us any reason to reconsider it.

Finn Makela is a member of the McGill Radical Law Community and the Student Ad-hoc Committee on Faculty Funding. The opinions expressed in this article are the author's alone, and do not reflect the positions of either group. ■

(Privatization reconsidered and rejected, cont'd)

privatization because they fear the latter will narrow students' career choices.

The truth is that McGill's Faculty of Law grooms its students for positions of influence and authority and it does so by providing students with the technical and intellectual tools to excel. The Faculty is a social mobility springboard *par excellence* whose relatively *equitable* accessibility fosters fairness and democracy. It must remain equitably accessible, which it cannot if it hikes tuition fees exponentially. Doing so would limit access to many willing, talented, and able people of modest means.

The student loan remedy is obviously fault-ridden when we consider that borrowing excessive amounts of money to pay for school is a major disincentive. A large debt makes school a much more onerous endeavour for the needy student than for the sheltered student who has the luxury of being able to send the bill to his or her wealthy parents. Plus, the imperatives of repaying a debt will limit needy students' career choices by requiring them to pursue careers that may pay more but that may simultaneously compromise students' proper career, creative, or life objectives.

Scholarships are no more promising a remedy to the injustices of privatization than the availability of student loans. Scholarships are limited in number and would institutionalize unfairness because they are awarded to exceptionally gifted people; so only needy students who are exceptionally gifted would qualify. On the other hand, bursary funds are simply inadequate. They are finite and cannot meet the demand, for, if they could, there would be no need for student loan programmes. In short, privatization means that those positions of power and influence that McGill Law primes us to assume would be open mainly to those who can afford to obtain the required credentials. That epitomizes economic elitism as it undermines democracy.

But some privatization proponents argue that, in fairness, those who choose to pursue "social justice" careers should be able to apply to have the Faculty forgive their tuition debt. They base their proposal on the premise that these career paths are less lucrative than government or corporate positions. And since "social justice" career paths are less lucrative, the Faculty should not expect students who take such paths to pay as much for their education as those who get a greater 'return' on their 'investment' in education by taking more lucrative jobs.

Well, there are three disturbing trends in this reasoning. The first is that it conceives law school as hardly more than a commodity for those who can afford to consume it. Second, it promotes an institutional bias that would steer more needy students towards positions that are located away from the nexus of power such as government office or corporate directorship. This would presumably leave the positions of power and influence open to those who deserve them, according to the proponents of privatization; i.e., those who can afford to pay their tuition fees in full. But the third and perhaps most disconcerting trend in this reasoning is its underlying cynicism in regard of our governmental and economic institutions and in regard of people's motivations in aspiring to assume positions at the helm of these institutions. The proponents of privatization appear to see people who pursue positions of power as acting exclusively in self-interest and not as intending to serve the public. If it were not so, it is unlikely that they would propose remedies to relieve solely the debts of graduates who pursue "social justice" in their careers. The debt relief idea bewilders me since in my idealistic conception of a just society every social institution, be it economic, governmental, or other, should promote "social justice." But when we begin to distinguish career paths that promote "social justice" from those that do not, we reveal some distressing truths about the *injustices* of our social order. Though perhaps more distressing is the apparent resignation of privatization's proponents in the face of such injustices.

The impact of a university education on our life chances is colossal regardless of social class of origin. The benefit of equal and equitable opportunities of education for all is self-evident. It means having a social institution that serves as a primary levelling force in society, ironing out the arbitrary socioeconomic inequalities that exist at birth. Therefore, there is only one viable and just alternative to privatization: adequate public funding of post-secondary educational institutions. In our case, the provincial government is recklessly abandoning its responsibility to advance a more just social order while it creates a sense of tension and uncertainty amongst students and staff, leading people to make dreadful proposals to privatize education.

Privatization is undesirable for it is a socially atavistic and dangerously reactionary proposal that we must never even consider except to enjoy it as an example of scathing Swiftian satire that censures the government's unwillingness to solve a real problem.

Privatization is undesirable for it is a ▶

Who Benefits? (A brief note on the University of Toronto Study)

by Alexandra Law (Law II)

As the judges are fond of saying, I have had the advantage of reading the arguments of my learned colleagues, Messrs. Will, Makela and Iacovelli in this week's edition. Not wishing to duplicate what they have already written, I will add only a few comments on the University of Toronto study on tuition increases, particularly its methodology.

Mr. Billick wrote last week that "[…] this study was commissioned by U of T's governing council and therefore deserves to be given the benefit of the doubt as to its methodological fairness […]" (emphasis added). Actually, the Governing Council had virtually no input in the methodology used in the study, a fact which has concerned students and council members alike since before the research was begun. The methodology was only allowed to come before the council *after* the study was completed and presented.[1]

U of T students have highlighted several problems with the way the study was conducted that should make the reader wary:

- Admissions data were gathered from applications only, and therefore do not take into account those potential applicants who have been scared off entirely by the high cost of a U of T legal education.

- Income statistics were based only on the 70% of students who were willing to report their family income, so 30% of law students were left out of the sample.

- Information on career choice was collected from the Law Society of Upper Canada only, and does not include graduates who have left to work in the United States or in provinces other than Ontario.

- According to the study, if a lawyer spends 20% or more of her time practicing in areas such as environmental, labour or aboriginal law, then she is engaged in "public interest work", regardless of who her clients are. This renders the public interest category so broad as to be meaningless.[2]

These and other concerns were not included in the *National Post* article praising the study. Go figure.

[1] Ferguson, Ian: "Law tuition survey called 'flawed'", *The Varsity*, Jan. 25 online: www.thevarsity.ca. (For all Varsity sources, enter "law and tuition" into the search engine on the site).

[2] Dosman, Alexandra: "Meeting with Provost 'explanation, not consultation'", *Ultra Vires*, Jan 21, 2003 online: www.ultravires.ca (go to "archive").

Ferguson, Ian: "High law tuition gets o.k.", *The Varsity*, Feb.23, 2003 online: www.thevarsity.ca.

Student Representatives, Faculty Council, U of T Faculty of Law: "We are the law", *The Varsity*, March 11, 2003 online: www.thevarsity.ca. ■

(Privatization reconsidered and rejected, cont'd)

socially atavistic and dangerously reactionary proposal that we must never even consider except to enjoy it as an example of scathing Swiftian satire that censures the government's unwillingness to solve a real problem. Privatization is a proposal that holds democracy in contempt and betrays a certain cynicism in our hearts about people's motives in vying for positions of authority and influence. This cynicism is even more evident in the ancillary proposal that we provide debt relief to those who choose social justice careers instead of more lucrative government or corporate positions.

Taken together, the privatization and ancillary debt relief proposals belie the idea that the more lucrative government and corporate career paths are indeed more lucrative for everyone's sake and benefit because of the more onerous obligations attached to them. In so doing, the said proposals perhaps inadvertently point to deeper and more systemic injustices in our social order. A step we can take to remedy this injustice would be to resist privatizing McGill's Faculty of Law and to effectively lobby Québec City for adequate funding. Doing so would at least ensure that this Faculty's roster remain noble, rather than elitist, for another hundred and fifty years. ■

That's all folks...

by Dennis Galiatsatos (Law III)

Certain recent faculty-related events have been quite upsetting to me. Upsetting enough that I have lost all motivation to participate in "student life" or "faculty spirit" in any way. For me to continue would compromise everything I believe in.

I therefore regret to announce that I am resigning from my position as the cover artist for the Quid Novi. At this point, I'd like to emphasise that the Quid Novi, or the people who administer it, have nothing to do with my decision. I simply want some time away from being a "law student."

I would like to thank Rosalie-Anne and Fabien for being nice enough to give me this forum. It certainly was a privilege to have the front page to express myself on every week. If only everyone knew how hard you guys work on this. I hope you'll forgive me for backing out.

Also, I want to thank everyone who's stopped me in the halls, these past 2 ½ years, to tell me how the covers made them laugh. Such comments were much appreciated.

Thanks again,
Dennis G ■

An Account of the Forum on the War in Iraq (?) March 11, 2003; McGill Moot Court

by Sébastien Jodoin (Law II)

I have tried to report as faithfully as possible the remarks of the panellists. My stenographic skills leaving much to be desired, I have had to have paraphrase most of their comments. As a result, much of the eloquence of our loquacious panellists has been lost in the transcription.

Professor Irwin Cotler

While the countdown to war has already begun, a legal framework may still be necessary to assess the validity as well as the exercise of the use of military force.

The principle on the prohibition on the use of force has two exceptions: (1) authorization given by the Security Council; (2) self-defence. The Bush administration has relied on both exceptions without recognizing that they are exceptions to a principle. It has argued that in the post 9/11 context, it has a pre-emptive right to self-defence. However, such a right could only exist if a clear and present danger were found to exist. It has also argued that on the basis of resolution 1441, it has the authorization of the Security Council to invade Iraq. But, this interpretation does not accord with the text of resolution 1441.

Multilateral principle: based on the fuzzy precedent of Kosovo, a coalition of the willing may have the right to interfere in Iraq if the Security Council refuses to do so.

Principle of unintended consequences: the use of war is certainly an unpredictable force.

The right action principle: having regards to all the adverse effects of the use of force, there is a principle of prudence in the assessment of the legitimacy of the use of force.

Conformity with humanitarian principles: any military action in Iraq will have to conform with humanitarian principles.

Principle of accountability: the American and British leaders may liable to account for their actions although this accountability may not be juridical, but ultimately political.

Principle of retroactive validity: the strongest argument for the US is that in the end, the war on Iraq may end up having done more good than harm.

This juridical framework must provide normative guidelines for the elaboration of an independent Canadian foreign policy position, one that will be premised on the principles of international law.

Professor Renée Provost

More lawyers are involved in recent wars than ever before to examine whether the use of military force has remained within legal boundaries. In Iraq, they will have to examine three main questions.

La question principale est quel est l'impact de l'asymétrie entre les deux belligérants? Est-ce que les Etats-Unis peuvent utiliser tous les moyens à leur disposition? La loi impose-t-elle des limites sur les moyens que peuvent utiliser les forces de la coalition? Dans le droit international humanitaire, le principe est que tout objectif militaire peut être attaqué. Certains croient qu'il faut faire un lien entre le principe de proportionnalité de l'article 51 de la Charte sur la légitime défense et les moyens militaires mis en place. Ainsi, les moyens militaires devraient être proportionnels à la menace. Notamment, le gouvernement Américain a évoqué l'idée d'utiliser des armes nucléaires. Ce-ci est ironique étant donné que l'un des buts de l'opération en Iraq serait l'élimination des armes de destruction massive de l'Iraq. De plus, on n'est pas dans l'exception de la licéité des armes nucléaires précisé par la CIJ dans l'*Avis sur la licéité des armes nucléaires*, c'est-à-dire celle de la survie de l'État.

Une autre question est celle de la retraite des troupes Iraquiennes dans les villes pour éviter les bombardements américains et ainsi minimiser la supériorité aérienne américaine. Est-ce illégal? L'utilisation de boucliers humains est illégal, mais la légalité de cette situation n'est pas claire. Cette tactique laisse présager des grandes pertes humaines Iraquiennes.

Enfin, la mise-à-feu des puits de pétroles par l'armée Iraquienne est-elle illégale? In the law of wars, there are norms which prohibit measures that would cause wide-spread and long-term environmental damage. In the ICC statute, there is an additional balancing criterion that this is allowed if you may prove that there was an overall important military objective. But the application of this standard is not clear.

There are two final points I would like to address. There was no prosecution of war crimes after the last Gulf war although there were many allegations concerning the Iraqi occupation of Kuwait. The reasons for this failure are not clear. The context has changed since then. It would be unlikely that there would be no prosecution after this war.

One can wonder whether some human rights bodies would not get involved in the conflict. The European Court of Human Rights recently decided not to examine British action in Kosovo. The situation might be different if there was urban warfare and if there were prisoner of wars in the possession of the coalition forces. The European Court of Human Rights or the Intra-American court of Human Rights might get involved in this context.

Professor Armand DeMestral

We currently have a humanitarian crisis in Iraq which war can only make much worse. The victims of war are mostly civilians. International humanitarian law does apply to this conflict, in particular the principles of necessity and proportionality. Furthermore, it is clear that international humanitarian law should apply to both sides in respect to the international conflict as well as to the domestic conflict.

There is a need to rethink sanctions. The irony of sanctions is that most of the time, they do not work, and when they do work, they are devastating. How sanctions are crafted and applied requires further thought.

Some have proposed that international humanitarian law must be adapted to the current threat of modern terrorism. This is a mistake. Terrorism in itself is not an act of war. A terrorist is not in the same position as a normal soldier. It has been characterized as war so that the president may claim war powers. Terrorism is better understood as something other than an act of war.

The situation in Iraq is a complex one. There is a fuzzy precedent whereas in Kosovo as well as with the no-fly zone in Iraq, nations have acted without the full assent of the Security Council. However, acting without specific authorization of the use of force will constitute a violation of the UN Charter. Nonetheless, as lawyers, we must recognize that there are however 13 years of unfulfilled resolutions which international law must confront.

UK and Jordan are parties to the ICC statute are possible US allies which means ▶

that the statute may possibly apply to their actions in the war in Iraq.

Professor El-Obaid A. El-Obaid

There is a continuing of trend of reversion of principles of international law in the American position: **first**, there is elaboration of the pre-emptive right of self-defence; **second**, there is the concept of the reasonable exercise of the veto: if the veto is used unreasonably, then nations are allowed to act without authorization of the Security Council; **third**, regime change: human rights are of international concern, there are many means by which human rights have been advanced without the unilateral use of force to change the regime; **fourth**, terrorism: there is no principle yet that allows for the use of force in response to terrorism; **fifth**, through principles of national competence or of religion diversity, it is argued that some human rights are not available to some populations, Islam has become the new communism, it is argued that Muslims have a limited capacity to enjoy human rights; **sixth**, Muslims are also denied the capacity of change, which is why the US feels it has the obligation to change their regime for them.

What will be the aftermath? Fundamentalists will rejoice in the polarization of the debate between Muslim and Non-Muslims. It will lead to an idea of lawlessness and the smallness of international law. It will contribute to the sense of desperation and alienation in the Muslim world. But there will also be a realization that the UN is the only viable option in the international order as well as that a power cannot go at it alone forever.

Dean Peter Leuprecht

My students know how much I enjoy quotes, so let me begin with a quote to praise the organizers of this forum for their initiative. "Our lives begin to end when we are silent about things that matter" - Martin Luther King

Let me begin by saying what has yet to be said: Saddam Hussein is a ruthless dictator. But there are other ruthless regimes, some which were supported by the US. Many other countries have disregarded UN resolutions, nothing is done towards them. The cost of sanctions has been great: the infantile death rate has increased: from 38/1000 in 1991 to 131/1000 in 1998. In fact, not so long ago, the US supported Iraq against Iran. A lot is made of the case of the gassing of the Kurds; nothing was said at the time because Iraq was the enemy of the greater enemy Iran. Perhaps this reversal finds its roots in the two main groups that supported George W. Bush's presidential campaign: the energy group and the armament group.

It is clear that the war would violate the UN Charter. However, it seems that the violations have already occurred: the special operations within Iraq as well as the bombings of certain areas.

As for self-defence, it clearly does not apply: no one can reasonably say that Iraq poses a threat to the self-defence of the US. What is particularly disconcerting is the elaboration of the right of pre-emptive self-defence. Indeed, President Bush has recently identified 60 countries that may require military intervention as they pose a threat to US security.

Contrary to my friend Dr. El-Obaid, I believe that the war will have negative effects on international law. The UN will be in crisis. These are grave and serious times. There will be more anti-American sentiment. There will be great human life losses.

Question Period

Q: In regards to the pre-emptive right of self-defence, should a nation be reasonably expected to wait for an imminent threat by weapons of mass destruction?

Cotler: Even if the doctrine is adapted to a context of weapons of mass destruction, evidentiary concerns still apply. The allegation of an imminent threat by the US is just not persuasive at this time.

Q: Is consideration given to the human rights situation of a post-war Iraq?

El-Obaid: If this a pretext, then let us find criteria to intervene on this basis. Nothing was done in Rwanda. However, the US has not founded its intervention on this point.

Leuprecht: The war in Iraq will lead to massive human rights violations, namely the right to life. The human rights situation in Afghanistan has improved a little. But the US have intervened in countries only to abandon them in their human rights plight, for example Cambodia. Will the US see the human rights situation through in Iraq?

Q: This forum has presented only side of the story. I wonder if any of the panellists might present the other side of the story.

El-Obaid: The other side should not be the US, but the Iraqi people. They are the ones who should have the final say in the choice of the regime and they are the ones who have been ignored. The US position is known; it has been made every second of every hour for the past two months.

Leuprecht: I think that if you are attached to law and the rule of law and not to the rule of power, then it is hard to accept the US position.

Q: What would be the proper way of dealing with the Iraq situation?

DeMestral: The situation is ambiguous. A unilateral policeman is not wanted. Why the US pushing this so hard is ambiguous. But the proper way, the legal way, remains with the UN Security Council.

Provost: There is a tendency to blame the UN when it doesn't work. The UN is not another entity, a gizmo, it represents the member states. It is what the states make of it. It is said that we are doing nothing. But this is not true; the inspections on the ground are not nothing. Perhaps the question is: are we doing enough?

Q: What is the strongest argument that supports the American position?

Cotler: The American position is stronger than what has been put forward. The reliance on 1441 is not founded, for it says that only the Security Council may authorise the use of force. The American government has not sufficiently invoked the humanitarian intervention argument. The only point that the American government has centered on is disarmament and then regime-change, which has no support in international law.

Provost: Kosovo was much easier to defend than the current situation in Iraq. Can we imagine a uniting for peace resolution in Iraq being voted by the General Assembly? No. The US has convinced no one and is more isolated than ever. The countries that are supporting the US have been bought or are their traditional allies. The fact that Canada is not there for the US right now is alarming since Canada is always there for the US. The fact is that the US is not presenting a new doctrine whereby it might intervene in Burma (human rights) or North Korea (armament), it is just interested in Iraq. Ironically, it is the prime beneficiary of international stability and of an efficient and well-functioning United Nations since it has interests all over the planet. The US must realize that it cannot replace the ▶

UN. There is much short-sightedness in the current American policy.

Q: What do the panellists think of the Canadian position?

Cotler: If there is a clear Canadian position, it has centered on notions of international law, most notably the prohibition on the use of force. Another aspect of the position has been to look to the catastrophic humanitarian consequences of a possible war; this is where Canada sees it role. From outside the Security Council, there has been an attempt to bring about a bridging position. ■

War in Iraq Forum

by Jeff Roberts (Law II)

A discussion was held in the faculty last week regarding a possible war in Iraq. The event was billed as a forum to foster informed discussion within the school, and featured a panel anchored by professor and MP, Irwin Cotler, and the law dean, Peter Leuprecht. What emerged was not so much a discussion, but rather a series of polemics decrying the United States as a lawless, global villain.

The lack of nuance and diversity at the McGill forum served to highlight an unhealthy air of groupthink that has descended upon one of North America's premier law schools. The school's reputation as a leader in human rights and international law has caused it to blinker itself from the political realities of foreign affairs. Though the school prides itself on teaching students to understand law in a social and political context, this goes out the window when the subject is international law.

The lack of nuance and diversity at the McGill forum served to highlight an unhealthy air of groupthink that has descended upon one of North America's premier law schools.

Cotler and the other panelists invoked various doctrines of international law, systematically demonstrating how the U.S. has and would be in violation of these laws. Herein lies the rub; while we can and must demand better of the U.S., we must also recognize that nearly every country in the world is in violation of international and human rights laws.

Throughout Asia, the Middle East and much of Europe, basic rights regarding freedom and security are not respected. Conditions for women are particularly frightful. Many countries are embroiled in conflicts that have involved slavery and torture. And yet these are the same countries with whom the U.S. and others are urged to cooperate. Until nations have a basic respect for freedom and law within their borders, there is no reason to suppose that they will be honest upholders of international law. Sadly, the professors were silent on this subject, pre-occupied as they were with castigating the U.S.

Upon being asked why the law school was not capable of producing a panelist with an American perspective, Dean Leuprecht gave a pat answer to the effect that he and others preferred to advocate the law-based approach of the UN, and not the power politics of the U.S. Coming from an individual of his stature, such a statement is disingenuous at best. Mr. Leuprecht knows full well that the UN is not an apolitical body, and that the choice he offers is an artificial one. We do not have a simple choice between power and law; rather, we must search for law while acknowledging that power politics is inherent to every country and world institution.

Finally, our international law authorities were incapable of viewing the Kosovo and Afghanistan interventions as anything other than more evidence of America's lawlessness. The reality is that these were successful interventions, ameliorating the situations of entire populations. Had America not acted, millions would have continued to face repression form the Taliban or the threat of ethnic cleansing. In the meantime, successful UN interventions have been few and far between; the institution has shown itself incapable of mustering the force to implement nearly any of its resolutions. For this, the United States is entirely blamed – not Europe, China, Russia or any of the other large powers that compose the UN.

International law must be understood in a political context. If it is not, its advocates will continue to be akin to those debating how many angels fit on the head of a pin. Before we can move towards what *should* be, we must acknowledge what *is*. Too many Canadian intellectuals, including those at McGill law, have subscribed to one extreme of an unhealthy cross-Atlantic dichotomy. If Canada is to maximize its diplomatic leverage on matters such as human rights and civil liberties, it must adopt a more balanced view. ■

Law Does Matter

by Sébastien Jodoin (Law II)

Although the law is not synonymous with morality, they are not mutually exclusive concepts either. While it is true that what is legal is not necessarily moral, there generally is an attempt to include a modicum of morality within the law. Indeed, international law seeks to bring about order and stability as well as some basic form of justice in international relations. Most would agree that international law norms which prohibit genocide or torture are morally justified.

The prohibition against the use of force in the UN Charter is also a principle which I believe most people would also think appeals to a higher morality. There are two exceptions to this principle: the use of force in self-defence, which is not morally problematic, and the use of force as authorized by the UN Security Council, which is perhaps more controversial. In this case, it is true that the law that emerges from the practices of UN Security Council is not necessarily moral. Just because the Security Council says that a war is legal does not make it moral. As Former US Secretary of State John Foster Dulles said in his memoirs: "The Security Council is not a body that merely enforces agreed law. It is a law unto itself. No principles of law are laid down to guide it; it can decide in accordance with what it thinks is expedient." Indeed, the Security Council is in the end a body whose decisions are essential political. However, the fact remains that amongst all bodies which exist in the international legal order, it is the one that has the most legal, political and moral legitimacy to regulate the use of force in international law.

The Security Council is comprised of fifteen members: five permanent members; the remaining ten members are elected by the UN General Assembly for a term. In many ways, the Security Council today still reflects the global power structure of 1945. Despite the geographical representation of the ten elected members (generally, three from the African and Asian States; one from the Eastern European States; and one from the Latin American and Caribbean States), the Security Council remains imbalanced in favour of the West. Although in general, the campaigns focus on the contribution of candidates to the maintenance of international peace and security as well as on equitable geographical distribution, the election of ▶

the non-permanent members is involves a lot of politicking and manoeuvring. For example, Canada's last successful campaign involved reminding Member States of their involvement in international affairs as well as giving out free tickets to the latest Cirque du Soleil show in New York.

While it is true that the UN Security Council is not a perfectly democratic institution, it is still in a better position than any other body to authorize the use of force. First, the relationship between the Security Council is one akin to a representative government and its population. Indeed, in order to ensure prompt and effective action by the U.N., the Members States have conferred upon the Security Council the primary responsibility for the maintenance of international peace and security, and agreed that the Security Council acts on their behalf. Under the Charter, all Members of the United Nations agree to accept and carry out the decisions of the Security Council. This preference of expediency over democracy is one that is found in every democracy which has a division of powers between the executive and legislative branches. Moreover, Member States may participate without a vote in the discussions of the Security Council when the Council considers that that country's interests are affected or if they are parties to a dispute being considered by the Council.

Second, while it is true that the five permanent members have not done anything to earn their place on the Security Council since winning World War II, the fact remains that these States are usually involved in international relations as they are among the most powerful nations and that their weight is felt in their respective spheres of influence. Whenever the UN intervenes in some area of the world, one of these five countries will be involved in some capacity whether logistically, militarily or financially.

Third, the negotiation and mediation process that occurs between these powerful countries ensures that its decisions are not taken lightly, that concessions are made. While each Council member has one vote, decisions on substantive matters require nine votes, including the concurring votes of all five permanent members. This is the rule of "great Power unanimity", often referred to as the "veto" power. For the Security Council's five permanent members, voting "nay" is, indeed, tantamount to a veto, per a rule known as "great power unanimity." So, if the permanent members aren't unanimous in supporting a resolution, a measure dies. However, a permanent member may also abstain rather than vote "nay," which preserves the resolution which allows the Member to make its moral or political objections clear, while at the same time allowing the resolution to pass.

Vetoes were common during the Cold War, with the two main antagonists casting the majority of negative votes. There have been 251 public vetoes since the Security Council's inception in 1946, 238 of which occurred between 1946 and 1990. Of those Cold War vetoes, the United States and the U.S.S.R. accounted for 185 of the total. America just recently vetoed a resolution just three months ago that would have condemned the killing of U.N. employees by the Israeli army.

A perfect example of the benefits of this mediation process is resolution 1441. Whereas Great Britain and the United States wanted this resolution to include a provision which would authorize the use of force in case of breach, ultimately and notwithstanding the dubious claims of the Bush administration, the resolution did not include such a provision as France was opposed to it.

Thus, while it is true that UN sanctioned bombs will be just as devastating as American coalition bombs, the decision to bomb will not have been taken unilaterally, at the whim of one State, however powerful it may be. This ensures that the bombing is really necessary and that it is being done for legitimate reasons. In the current situation, the United States must convince eight other States to support it as well four other states not to oppose it. As well, it is more than likely that the UN will be more concerned with the lives of Iraqi civilians than a US-led coalition whose interests and concerns are otherwise oriented.

Fourth, if the Security Council really is not functioning then a State can invoke U.N. Resolution 377, the "Uniting for Peace" Resolution which states in the event that the Security Council cannot maintain international peace, a matter can be taken up by the General Assembly. This resolution has been voted 10 times, most notably in 1956 to help resolve the Suez Canal crisis. Great Britain and France, which were occupying parts of the canal at the time, vetoed Security Council resolutions calling for their withdrawal. The United States called for an emergency "Uniting for Peace" session of the General Assembly, which passed a withdrawal resolution. Thus, Britain and France pulled out shortly after.

However, these non-Security Council resolutions are more symbolic than anything else. The council still maintains responsibility for enforcement, so such a resolution would not permit UN sanctioned dispatching of troops. Nonetheless, this ensures, again, that if there is to be a war, it will have some semblance of legitimacy. In such a scenario though, the Security Council is not completely ignored.

The final reason which supports the necessity of the Security Council's involvement is that this is what is prescribed by international law. This argument may appear simplistic and legalistic, but it is very important in the context of international law. International law strives to be respected, strives to establish itself as a complete system of law, one whose decisions will be enforced and rules followed. Democratic states with interventionist foreign policies like the United States must not be allowed to circumvent international law, for it is those very States which are its main beneficiaries as well as principal users.

International law itself must be given a chance to succeed so that peace, order and justice may one day dominate international relations. The law does matter because it is the only way to avoid short-term or long-term chaos within the international order. Not only does law matter, it is our only hope.

International law is not perfect; neither is the Security Council process and structure. But this is true of any system of law. One could easily argue that the electoral process in Canada is undemocratic, however does that mean that people will stop obeying the law? No, because that is not what happens in a democracy which respects the rule of law. In such a system, people will listen to the law and will strive to reform it. Perhaps if the democratic transgressions were egregious, then one would have to opt for revolution. But I do not think we are at that point in Canada or in the UN. In international law, we are still at the beginnings of the elaboration of a system of law, where the powerful States as well as the criminal ones still flaunt the law. In this context, international law must be given a chance to perfect itself as national systems of law are accorded the same privilege. ▶

Currently, there is a process of Security Council albeit a slow process. Nonetheless, the Security Council must be given a chance to become more democratic and efficient, it must not just be abandoned to the wayside.

Moreover, if international law is ever to achieve its objectives, powerful States, such as the United States, must throw their weight behind it rather than try to undermine its processes. The United States complain that the UN does not enforce its resolutions, but if the United States led the way in championing the UN and helped ensure that it is respected, then it might find it to be a more efficient means of resolving the conflict in Iraq. There is a dangerous precedent for what the United States is doing: if the United States continues to disrespect the UN, then it will collapse just as the League of Nations did.

The time has come to bring international law into the 21st century. The time has come to find an alternative means to war to disarm dictators and to remedy human rights violations. The Security Council must remain seized of the question so as to avoid that war must remain an option of last-resort. International efforts have not yet become futile in Iraq, they must be given a chance to succeed. International law itself must be given a chance to succeed so that peace, order and justice may one day dominate international relations. The law does matter because it is the only way to avoid short-term or long-term chaos within the international order. Not only does law matter, it is our only hope. ■

C'est le début d'un temps nouveau! ...six sites pour vous redonner goût à la vie

par Fabien Fourmanoit (Law II)

L'instant que vous attendiez tous est arrivé! Avril, c'est ce moment de l'année où les bourgeons naissent sur les bouleaux, où les terres redeviennent chaudes et riches, où les fleurs percent délicatement les parterres en éveil... Mais cette année est encore plusse meilleure que les autres, parce que cette année, avril, c'est non seulement le temps où les F-16 décollent, mais aussi le temps des élections!

Parce que nous nous devons d'être des citoyens sinon enthousiastes, du moins au courant de ce qui se passe, voici quelques sites susceptibles de faire de vous un électeur modèle

Il y a bien sûr les inévitables, ou vous trouverez programmes, parcours de campagne, et gazouillis en tous genres:
- Parti Québécois : www.pq.org.
- Parti Libéral du Québec : www.plq.org.
- Action démocratique du Québec: www.adq.qc.ca.

Et, si on est des gens sérieux, il y a le site de Québec Politique (http://www.quebecpolitique.com/), qui propose entre autres des statistiques sur les élections et référendums passés.

Mais, et c'est là que c'est l'fun, y en a d'autres! Par exemple, parce que c'est toujours intéressant de savoir que le Parti marxiste-léniniste du Québec avait un actif de 1,540$ en 2001 (comparativement aux 1,389,626$ du Parti Québécois), la liste complète et tous les détails croustillants sur vos partis préférés sont disponibles sur le site du Directeur général des élections du Québec: http://www.dgeq.qc.ca/information/51a_listepp_prov.html.

Pour ajouter au plaisir, la section historique du site de l'Assemblée nationale du Québec: http://www.assnat.qc.ca/fra/patrimoine. Vous apprendrez entre autres que dans sa courte existence, le Québec a connu 87 partis politiques différents, dont le PJEA (Parti j'en arrache) et le PJPP (Parti j'en peut pus - la faute de conjugaison est authentique).

Alors en avril, à vos urnes !

[1] J'avoue, les élections provinciales n'ont pas le panache des élections du SSMU (tsé, les gens en bas d'la côte?), mais au moins, il y a des chances pour qu'après les élections, un représentant provincial quelconque pense à nous et, qui sait, nous rende visite, ce qui n'est pas nécessairement le cas au SSMU. (Avis: ceci était un commentaire purement gratuit. Je suis sûr que les gens du SSMU, à en juger par leurs partys, font un très bon travail.)

[2] Notons que les mots " urne " et " urinoir " ont, fort heureusement, une racine différente. ■

Introducing: Who Rules Who and Mary Joana in: The Decriminalization of Marijuana and the Bad Naughty Giant US

by Petia Dragueiva

Canada and the US are intermingled in an asymmetrical relation. As an economic and military giant the US has strongly influenced weaker countries; countries on different continents, smaller countries and bigger countries, red countries and green countries. Now consider the proximity of the US to Canada. To what degree must the US be adept in influencing the politics and economics of its closest neighbour? The answer of course is: to a high degree. But will it be high enough for the US this time?

Decriminalization of marijuana in Canada will be a good source of revenue for the Canadian government. Marijuana will be available through clinics and other legal sources, but for that it will be taxed. I guarantee that decriminalization of marijuana will bring new streams of tourists to Canada, not surprisingly mainly from the US. The Canadian economy will bloom. And the government will have money to make as many reforms as it wishes.

But I just feel obliged to address the questions about prices and consumers' advantages in decriminalization of marijuana. Do we really need this? Isn't pot expensive enough now? If marijuana is to be decriminalized it should be taxed as food. If not, it's better if it stays illegal. What do you say?

Now, I hope, you're clear on what you want and what you don't and the consequences of it.

The economic giant has nothing to do with our Canadian consumerist interests, but just for the sake of paying some attention to it...

The US may influence Canadian foreign politics, as I consider, but in shaping Canadian domestic politics US hasn't done much. The proof: thirsty American teenagers pack Canadian discos in search of the forbidden in their own country--alcohol. So:

Dear economic, political or whatever giant you are,

Do not meddle in Canadian business or it will be you the one who's hurt again.

Thanks [applause] ■

Memorable Exchanges

by Edmund Coates (Alumnus I)

[in homage to M.K., who was often there]

Secured Transactions

[Prof. Macdonald starts the class by remarking that he is wearing new shoes which have laces, unlike his usual loafers.]

Student: So it's just like you're wearing even more bow ties.

Macdonald: I don't wear leather around my neck.

Student: Does your wife?

[The next class Macdonald appears with a leather bow-tie.]

Macdonald: Here you go, a leather tie. You can touch it, feel it, fondle it.

Student: I like to watch.

Criminal Evidence

[Prof. Healy notices that a student at the back of the class is wearing a shirt that says "Police"]

Healy: is that a real police shirt?

Student (at the front): Usually, it's the judge who wears that shirt.

Healy: What?

Student (at the front): It's an undershirt.

Obligations

Jutras: … on this point the judge and me disagree, or is it the judge and I?

Student: There's "the King and I" [sings a bar of the song "Shall We Dance"]

Jutras: No, no singing, I control the singing, only I sing in this class.

Student: [sings] Getting to know you, getting to know all about you.

Administrative Process

Macdonald: Canada's Parliament is basically unrepresentative of the country's diversity. But the Federal Cabinet is even less representative. How many women are on the Cabinet? How many aboriginals are on the Cabinet? How many physically or mentally handicapped Canadians?

Student: The Prime Minister

(Actually, I hadn't meant this as a joke. Jean Chrétien has achieved a remarkable length and intensity of political success, in spite of partial facial paralysis and a speech handicap.)

Banking & Negotiable Instruments

Scott: Pothier in France and Blackstone in England had a parallel effect with their great treatises.

Student: They gave law snob appeal

Common Law Property

[Prof Foster had been away for two weeks and Prof Klink had lectured in his place]

Foster: [after an extended introduction] Any questions?

Student: Who are you?

Common Law Contracts

Another Student (now a member of the Massachusetts Bar): Why do we have to keep going over the facts of the cases? Why don't you just give us the point of each case, in one or two sentences?

Swan: Because then I'd be lying.

Student Advice

Student: How much difference does it make in Quebec, whether you go to the Bar School?

Professor X: Look, there are cows and there are bulls. When you get your law diploma you're a cow. When you're a member of the Bar, you're a bull. What's the difference? Testosterone.

Successions

[Another student argues that a legacy by universal title, of a particular category of property, could amount to a legacy of all a person's property, depending on what they owned.]

Piccini-Roy: What would be an example?

Student: "I leave my devoted daughter all my fish."

Piccini-Roy: That wouldn't do, to live you need at least some clothes, and that sort of thing.

Student: You could have a shark-skin dress.

Sale

[Prof Jobin lays out his interpretation of a C.C.Q. article on the transfer of risks in the contract of sale.]

Student: Dommage que je n'ai pas mon cellulaire : j'appellerait Lamontagne immédiatement pour lui demander ce qu'il en pense.

Jobin: You need not bother, once again he does not agree with me.

Professor O.: We have to reject the idea that D.N.A. determines an individual's destiny. For example, if we want to understand original people, say we want to understand Madonna, can we just look at her genes?

Student: No, we just look in her jeans.

Note on Legislative Drafting

The next time you despair at not making sense of a legislative provision, take heart. You may just need amphetamines. Jean-Charles Bonenfant (1912-1977) was recognized in his life-time as one of Québec's foremost legal scholars. At his death, the National Assembly created a foundation in his honour. His long tenure as the librarian of the National Assembly put him in close contact with Quebec's legislative drafters. An aside, in a speech he gave a few days before his death, lifts the edge of the curtain on the conditions under which some drafting is done. He talks in particular about the months of November and December, when "les rédacteurs de lois dormaient à peine ou vivaient avec ces médicaments qui permettent de ne pas dormir". ("La rédaction des lois" (1979) 20 Cahiers de Droits 387 at 395). Perhaps today's legislative drafters have kept up with contemporary developments, and now rely on Ecstasy or crack-cocaine (only the "employment expenses" section of their tax returns can tell). ■

Forced to be Free

by Edmund Coates (Alumnus I)

Fabien asked me, about the "Memorable Exchanges" I published in the last Quid: "Did all of these happen for real?". I contributed them less as a boast, than as a taste of the cut and thrust which Martin Kavena reported as less and less present in McGill's law classes. Seeking certain types of creativity requires loosening some inhibitions. Seeing the mysteries in life requires openness to life's absurdities. And, most important, if you're going to be sitting in classrooms for 3 ½ or 4 years, why not have some fun while you're doing it? To some members of my year, law school presented as much opportunity for wit as the palace of Versailles. The thrusts I wrote up for the Quid are just the tip of the ice-berg. They were those which were the least context bound, among those which I remembered best because they were my own.

Actually, I best remember some episodes which don't leap as well from the page. For example, I took Restitution with Lionel Smith in the first year he taught at McGill. He mentioned again and again the opinions of his thesis advisor at Oxford, the forceful Peter Birks. The Restitution class was early in the morning in room 102 of New Chancellor Day Hall. So I came in early one day, put a transparency, on the overhead projector, of Birks's photo, and projected it on the wall (so that the image was seven or eight feet high). I wrote▶

in large letters on the blackboard "Who do we love?" and left (drifting in later with the rest of the students). Smith came in last and shouted "who is responsible for this shameful display?" He seemed flustered for the first few minutes of class, but eventually saw the humour in the situation. Strangely, he rarely mentioned Birks in class for the rest of the semester.

From Voltaire to Rousseau

Before I attended the "Social Contract" meeting on 12 March, I thought of Richard Janda and the Social Contract idea, what Pope John Paul II thought of Mikhail Gorbachev. When Gorbachev became General Secretary of the Soviet Communist Party, he tried to put in place polices of openness ("glasnost") and restructuring ("perestroika"). Early on, Gorbachev went to Rome and had a series of meetings with the Pope, including one where the two men were alone and conversed in Russian. After these meetings, the Pope confided to an advisor "he is a good man, but he will fail, because he is trying to do the impossible."

The Social Contract meeting changed my mind. I still think that getting the Social Contract started would require great creativity and finesse. But this is only to ask McGill Law students to live up to their opinion of themselves. An account from 19th Century Vermont tells of some young men who bring an old-timer out of the woods. They want the old-timer to see the marvel of the train coming into town. However, when they get into town, the train is already at the station. The old-timer walks back and forth next to the hulking black iron mass of the locomotive, and declares "they'll never get it started". But soon the train starts to move away, slowly at first, but then faster and faster. As the train disappears into the distance, the old-timer shakes his head and declares "They'll never stop it". So the real question is whether McGill law students have confidence in themselves and their fellow students.

As Prof. Janda explains it, the Social Contact funds would be entrusted to a foundation set up for the purpose. The foundation board would be made-up of three faculty members, three alumni, and three students. Thus, the feature of the Social Contract idea which most caught my eye is the great increase in influence on the shape of the school which it would give to students. In academic environments, your power does not depend as much on the amount of funds which pass through your hands, as the amount of spending in regard to which you can exercise discretion. If the simple amount of funds determined your power, the most powerful person in the country would be the Receiver General of Canada, to whom you write your federal tax cheque. A crucial question about the foundation is how the alumni members of the board would be chosen (at worst they would all be recent alumni, presently in doctoral programmes, who aspire to appear before the law school's hiring committee in a few years).

Some critics deny that the coming of the Social Contract would build a new sense of community at the law school. They suggest instead that it would bring a mercantile atmosphere. In fact, the risk of mercantilisation is much greater in the absence of measures like the Social Contract. McGill Law School will risk becoming one of those places that young academics teach at for a few years, while they build up a reputation. This type of academic is under great pressure to attract attention to themselves. This pressure often leads to a mercenary attitude, overlaid with charm. But if you look beyond the charm, if you look at willingness to collaborate with fellow faculty members, at willingness to contribute to committees, at willingness to work with students; you will see all to be at a minimum. This attitude is instrumentally rational, if ungenerous, since, after all, these academics are just passing through.

Whether today's students trust in the Social Contract may decide whether, in 8 years, they will staring at the wall of their office, wondering if a new frame would make their diploma look more like a University of Toronto one. I would rather be able to say: "Vive la différence de McGill". ■

In Defense of Aaron Chase

by Ayman Daher (Law II)

Aaron has come under-attack recently for his over the board womanizing and his delusional reveries of grandeur. These could all be valid criticisms. I don't know the guy that much, and except maybe for that maniacal smile he has when he makes a comment in class (which is just creepy) he seems like a nice guy. Some people have said that Aaron is a self-hater. But from what I see, I can't figure out where that's from, I mean, he seems pretty in love with himself to me. On any note, I'm not here to make fun of Aaron. This article is meant to unearth an issue that he brought up about five or six Quids ago by an article he wrote published on November 26th. (Thanks for the free falafel, but next time, please hold the propaganda.)

His piece at the time brought about a flurry of responses although the entire discussion did not last more that a quid or two. (The fact that

I count time in Quids as opposed to weeks should tell me that perhaps I should take a break from McGill Law). My response to the dialogue, although somewhat late, is meant to engender further debate on an interesting and controversial issue.

The issue came about when Aaron stated that "some of the JLSA's fellow law students might have felt uncomfortable attending coffee house." because "the space [was] smothered in Israeli flags." Although I do not doubt that the JLSA had no propagandist agenda and was not trying to create an uncomfortable atmosphere, the occasion does present itself to raise some interesting points.

First of all is one of identity and sociological consequences of self-identification. My girlfriend, for example, is Irish, Catholic, but also French-Canadian. Like most people, she can define herself and her space in society in a variety of manners. She can choose to say that, above all, she is a woman, and thus identify herself as such and identify with the societal elements that womanhood entails. She can choose to identify herself as French-Canadian and, thus, her perception of the world, and vice-versa the world's perception of her will shift accordingly. But whatever she does choose as a definition of her being,

it will always be an equilibrium of all the components of her identity that will define who she is. When that equilibrium shifts too strongly in one area as opposed to another, then she loses her identity and become connected more closely with "the cause" than with herself. And depending on the situation she's in, her external identity will have to change. Although longwinded, this might explain why Aaron felt that the flags were out of place. The Jewish Law Students Association is primarily a Jewish, legal, international student body and, as stated in a previous article, its purpose is to share the beauty of the Jewish culture with fellow law students. ▶

This brings me to my second point. Of course if we were talking about the Italian Law Students Association, I would expect Italian flags. As well, I would be quite surprised not to see Israeli Flags at an Israeli Law Students Association Coffee House. The question becomes one of representation. For example, it would be awkward to have the Latin American Law Students Association only put up an Argentinean flag. Indeed that would be misrepresenting its constituency. It is somewhat mischaracterizing to focus solely on Israel when talking about Judaism. As a major religion, I feel it is important not to associate the faith with a defined territory. And although there are Jews that feel that Israel is an intrinsic part of the Jewish personality, there are those who do not share that point of view. I sincerely hope, as a Montrealer, that people can be proud to say that they are Jewish-Canadians or Jewish-Quebequers.

Finally, I say that yes, it is impossible to dissociate Judaism from the State of Israel. (Like, for example, separating the French language from the Province of Quebec.) But it does not mean that a complete association of the two is accurate. The city with the world's largest population of people of Jewish faith is New York, not Jerusalem. A strict association would ignore the some twenty-five million non-Israeli Jews, as well as the some one million non-Jewish Israelis.

Although the topic I have examined is somewhat touchy as all discussions about race, religion and identity are, I do not mean to shock, offend or be any sort of agent provocateur. All I hoped to do was to put in my two cents. Basically, I think it is wonderful to have different cultural, religious and ethnic clubs in law. It allows us students to experience diverse events and to share in diverse worldviews.

I didn't really get your roots analogy Aaron, about one's roots growing on another's roots and getting entangled or what not. Is that some sort of sexual reference? But anyway, I hope I have not wasted all you people's time or any valuable Quid space. Feel free to respond to this article or to take shots at Aaron all you want. ■

NEWS ITEM - MCGILL LAW STUDENTS MAY GET SACKED

by Mike Brazao (Law II)

MONTREAL - McGill Faculty of Law students who are leery about writing their final exams this coming April will be privy to an optional, alternate method of evaluation, sources have told The Quid Novi. For the first time this year, it appears that instead of writing a traditional pen-and-paper exam, students may opt to be put into a burlap bag and beaten until they cry "uncle". The longer the student holds out, the higher the mark received.

According to the new protocol, devised by the faculty administration and rubber-stamped by an outgoing and indifferent LSA, professors must use TELUS SuperPages phonebooks when grading their burlap bag exams. While there has been no word yet as to whether the exams will be open or closed bag, in accordance with the law school's policy of passive bilingualism students may also cry "oncle" in order to stop the pummeling.

The move coincides with the imminent departure of McGill Faculty of Law Dean Peter Leuprecht. Professor Leurprecht, a renowned philanthropist who is known in academic circles as "Mr. Human Rights", was said to have repeatedly nixed the idea of a burlap bag form of examination during his tenure, citing its questionable ability to discern who has best retained the course material.

Despite the distinct possibility that burlap bag examinations would disfigure and mutilate many students, the technique is already being hailed in many circles as a drastic improvement over the current procedure. As Law II student Jason Crelinsten put it: "It's astounding. When you choose to do your exams in a burlap bag, you know exactly what's coming your way. Unlike normal exams, you'll never look at your burlap bag and say: What the f**k is this?!? Did we cover this during the term? Am I in the right room?"

Many students also wondered aloud whether the net effect of marking exams via burlap bag would really be all that different. "I already assume the fetal position while sobbing uncontrollably after traditional McGill Law exams..." explained Dennis Galiatsatos, Law III, "...this way I can get all that stuff over with in the examination room, and I don't even have to study".

The new procedure is especially a hit among the professors, who relish the opportunity to seek retribution from their students for the litany of asinine questions they have to put up with throughout the term.

"Personally, I'm sick of all these @#$%^&* theory questions", remarked faculty teddy bear David Lametti, "...if I get one more student asking me whether I would use a can-opener or a corkscrew to defend the I.P. rights of computer software creators, I'll give them what I gave Adam Barza in the alley behind the Medley after SkitNite."

Indeed, so popular is the idea of burlap bag examinations that some are suggesting it might have the added benefit of stemming the exodus of professors that has plagued McGill Law in recent years. Since news of the burlap bag beatings was released a week ago, Yves-Marie Morissette, J.A., has reportedly already contacted the administration about the possibility of teaching classes next fall. While rendering his most recent judgment in the Quebec Court of Appeal, he made some obiter remarks about his return to teaching. "If you thought the Civil Evidence exam last December made you tremble and bleed from your extremities, just wait 'til you try the burlap bag version", he said with a diabolical grin.

However, despite the generally uproarious popularity of burlap bag exams within the McGill Law community, it appears not all students are willing to try the new examination procedure. "Have you seen this face?" was the response of Law II student and semi-retired male model Shy Kurtz. "I ain't puttin' this moneymaker in no burlap bag".

For his part, Reuben Kobulnik, Law II, was unsure as to whether he would opt for an examination via burlap bag. "Will there be a summary on PubDocs?" he was heard to inquire. ■

Countdown to the last Quid issue! Share your thoughts at :

Quid.law@mcgill.ca

" Emmenez-moi au bout de la terre... "*

par Marie-Pierre Grenier (Law I)

J'ai eu le plaisir de lire l'article d'Elise Labrecque dans le Quid de la semaine dernière portant sur L'Auberge Espagnole mais davantage sur l'expérience unique que représente celle d'étudier pour un semestre (ou deux, ou trois…) dans une université étrangère. J'ai donc eu envie d'y ajouter ma petite expérience personnelle, mais surtout quelques réflexions. Je ne souhaite évidemment pas paraphraser le texte d'Élise mais y ajouter une perspective différente, celle d'un autre pays, d'une autre partie du monde. Je cherche peut-être aussi, dans un élan égoïste, à faire revivre en moi chaque moment, tant je crains d'en oublier.

Mon auberge à moi, elle fut chilienne. Tout comme Élise, je ne connaissais que peu de choses de mon pays d'accueil, de ce pays tout en long, au bout du monde, où je devais passer 6 mois dont je me souviendrai toute ma vie. J'en connaissais les vins (qui sont excellents, n'en déplaisent aux vins suisses), la poésie de Neruda et le récit bouleversant de la dictature. C'est à peu près tout. Je CROYAIS aussi connaître la langue (j'y reviendrai, méfiez-vous de l'espagnol "académique" !).

Me voilà au-dessus des Andes… En lieu et place du quai brumeux de Genève, le soleil de plomb de Santiago de Chile… et un monsieur très gentil envoyé par l'université. Dont le langage m'est absolument inintelligible… Vous découvrirez qu'il n'y a pas d'autre moyen que d'ouvrir grandes vos oreilles et de laisser tranquillement entrer, comme par osmose, ce nouveau langage.

Puisque les grandes villes n'ont jamais vraiment été ma tasse de thé (rituel d'ailleurs très chilien, el tecito), j'avais choisi d'étudier pendant un semestre à l'Universidad Católica de Valparaíso, la ville favorite de Neruda et celle où naquit le tristement célèbre général Pinochet. Un endroit où le mot ville prend tout son sens… Un endroit fourmillant de vie, bourdonnant, parfois un peu chaotique. Mais d'abord faut-il vous la présenter pour bien la comprendre. Valparaíso (on dit que lorsque les Espagnols la fondèrent, ils lui donnèrent ce nom de "Val du Paradis", une version parmi tant d'autres…) est une cité construite dans les collines (les fameux cerros), au fil des époques, manifestement sans que personne n'ait eu une idée précise de la forme qu'on souhaitait lui donner. Il en résulte une ville merveilleusement désorganisée, remplie de recoins, de trésors à chaque coin de rue… Et une ambiance unique, de la partie plane de la ville (polluée et bruyante) à la douce quiétude des cerros. C'est que Valparaíso a un passé noble. Elle fut jadis la première étape des marins après le passage du Cap Horn et donc une étape maritime obligée. C'est ici (là-bas) que s'arrêtaient les frégates, les marins, pour faire la noce au sortir de ce long et dur voyage. D'où sa réputation de noceuse (voire de dévergondée) avec ses innombrables débits de boisson et, il faut bien le dire, ses maisons de débauches.

Mais voilà, on construisit un jour le canal de Panama, laissant ainsi Valparaiso, la Joya del Pacfico, dans l'oubli. C'est probablement ce fard d'une beauté, d'une gloire passée, qui donne aujourd'hui à la ville tout son charme. Y restent les magnifiques demeures victoriennes des riches marchands anglais, les inimitables ascensores (funiculaire) qui gravissent les collines sans relâche, nous rappelant sans cesse cette autre vie…

Où en étais-je ? Oui, les échanges… C'est que Valparaiso a vite fait de nous emporter. C'est sans délai que notre cœur s'ajuste à son rythme, ce qui rend si difficile le départ. Voilà justement la beauté des échange : la fébrilité qui accompagne ce recommencement au bout du monde, celle de se jeter dans le vide, sans pour autant requérir le courage de le faire réellement. Dans 6 mois, 1 an, on sera chez nous, blotti à nouveau dans nos habitudes -le coffee house, le mois de février et les bouquins de droit (qui, même en étant aussi là-bas, n'avaient pas la même saveur). Oui, on sera de retour, mais avec un nouveau monde au ventre, de nouveaux intérêts, une nouvelle force, et bien sûr, un nouveau goût pour l'aventure… ■

* Charles Aznavour

Cerveza, empanadas y música: Is there something more to Latin America?

by Emilie Fay-Carlos (Law !), on behalf of LALSA

CLARO QUE SI! Latin America is really much more than that!

The Latin American Law Students' Association (LALSA) invites everyone to discover, not only the Latin in you, but also the Latin social, political, and of course, legal realities!

PRIMERO. Did you know that our members come from South and Central America, Italy, USA and obviously from Quebec? Actually, a large number of us are Latino at heart... LALSA is a young association founded in 2001 by four students who, learning that the Ibero-American Law Students' Association had been inactive for years, decided to create a group where Latin American interests and realities could be channelled and voiced.

SEGUNDO. What else have we done besides a warm and friendly Coffee Haus? So far, LALSA, has presented a couple of Spanish movies, for instance Taxi para tres (Chile), Amores perros (México) and La Lista de Espera (Cuba). Also, LALSA collaborated in the "NAFTA Chapter 11" Symposium (2002-2003) and with the Graduate Students' Association for the invitation of the Mexican Ambassador to Canada (2001-2002). Furthermore, we are currently assisting the ELM Conference "Greening the FTAA?" for the translation of documents and the celebration of their welcoming cocktail.

TERCERO. Did you know that each year there is an increasing number of fluent Spanish-speaking students? Can our knowledge of Spanish be a professional tool? Our Faculty of Law has established exchange protocols with universities in Mexico and in Spain. It's quite good! But what about Central and South America? What about the Caribbean? LALSA will be presenting the Faculty a report on Law Faculties in Argentina, Brasil, Chile and Cuba in the hope of seeing its Faculty create exchange agreements in the near future. Are Spanish speaking students ready to face legal education in Spanish? LALSA is studying the viability of having workshops of español juridico for all interested students and students going on exchange. What do we know about the Latin American legal reality? LALSA has invited Latin American Graduate Students to share with us their experience, their knowledge ▶

and their insight. Our first "Latin American Speakers series" should be starting at the end of March and be resumed in September 2003. Gardez l'oeil ouvert! What about a Research Seminar on Latin American civilian law?

Qu'en pensez-vous? What do you think about these suggestions? Since we are attempting to make these opportunities accessible to everybody, we would really appreciate your feedback. Also, don't miss, in this edition and the next one, two students' testimonial of their study experience in Cuba and Chile... After all, you may be next!!! And, remember, fairly more than "cerveza y empanadas", LALSA is the instigator of cultural activities and academics projects. But, be reassured, "fiesta y musica" will always be a part of it! Hasta la próxima! ■

Festivalíssimo

par Marie-Pierre Grenier (Law I)

Montréal était cette fin de semaine l'hôte de la 7e édition du festival multidisciplinaire ibéro-américain Festivalissimo. Cet évènement culturel offrait une programmation des plus diversifiées en présentant 3 formes d'expressions artistiques : arts visuels, de la scène et cinéma venant de tous les coins de l'Amérique latine et de l'Espagne, de la Basse-Californie à la Terre de Feu. Perplexe devant le vaste choix d'activités s'offrant à moi, j'ai choisi d'assister au volet cinéma du festival, offrant à la fois des courts (durant la "Noche de los Cortos", de 23h00 à 3h00 dans la nuit de samedi) et des longs métrages (10), en primeur nord-américaines et pour la plupart primés. Si les dix productions de grande qualité que présentait le festival se proposaient comme une échappatoire alléchant à la grisaille et la froidure des derniers jours, ils avaient encore bien plus à offrir. J'ai découvert, cette fin de semaine, un cinéma sensible, des émotions à fleur de peau, le témoignage touchant d'un grand bout de continent qui est toujours le nôtre et qu'on oublie bien souvent. Je vous livre donc mes coups de foudre en espérant que vous pourrez bientôt goûter ces petits bijoux…

De la Calle

Cette production mexicaine d'une grande intensité nous montre l'autre Mexique, celui de la drogue, de la corruption, de la violence et de l'indicible misère aux antipodes de celui dont nous rêvons tous en cette fin d'hiver, celui du soleil et de la mer azure. C'est d'ailleurs avec une certaine ironie que le réalisateur nous présente ses personnages : des enfants de la rue perdus dans l'immensité de Mexico et qui ne rêvent tout au long du film que de voir la mer, qu'ils peuvent à peine imaginer. Le film dépeint dans un langage cru une misère à peine croyable : des adolescents qui depuis longtemps ont quitté l'enfance, parfois déjà parents, êtres remplis de souffrance qui n'attendent plus de la vie qu'on la leur enlève. À travers ceux qui continuent d'espérer, Rufino, un adolescent de 15 ans, déchiré entre le désir de retrouver son père et celui de quitter cette ville tentaculaire. La trame du film s'articulera donc à travers la quête de celui-ci, explorant au passage l'interface de la misère et de l'amitié, de l'amour, de trahison.

Le thème de De la Calle n'est pas sans rappeler celui de Cidade de Deus, du directeur brésilien Fernando Meirelles (toujours à l'affiche au cinéma ex-Centris et à l'AMC, il FAUT le voir). Le combat de Rufino est à bien des égards semblable à celui de Cabeleira et plus tard de Bene, protagonistes de ce dernier long-métrage. Le combat de leurs directeurs est probablement aussi lié : exposer toute l'ampleur du phénomène de la marginalisation, surtout chez les jeunes.

Bolivia

Ce long métrage caractérisé par son minimalisme explore les vicissitudes d'une société en crise sur un ton qui n'a en rien l'intensité d'un tango. Un immigrant illégal bolivien s'installe à Buenos Aires où il expérimentera xénophobie et empathie, différentes réactions d'un peuple pour qui l'avenir est bien sombre. Chouette analyse de la société argentine dans le cadre minimaliste et typique d'une parrilladería .

Amateurs d'émotions fortes s'abstenir…

Volver a vernos : Pinochet's children

LE coup de cœur de ce festival et d'ailleurs celui à qui fut décerné le prix du public. Cette production germano-chilienne nous livre le témoignage touchant de 3 orphelins de la dictature de Augusto Pinochet, qui tint le Chili sous sa poigne de fer de 1973 à 1989. Le film retrace, par ces 3 existences, le processus long et douloureux actuellement ▶

Latin American Law Students' Association (LALSA)

Movie presentation

Wednesday 19 March 2003 at 12h30 in room 201

"La Historia Oficial"

Argentina, 1985

- español c/ subtitulos en inglés -

Situé dans le confort d'une famille de classe moyenne, La Historia Oficial, relate une des facettes du sort que le gouvernement argentin réserva à quantité de ses citoyens qu'il jugeait subversif, les desaparecidos.
Après une discussion avec une de ses amies qui fut torturée par les militaires, Alicia commence à s'interroger sur l'histoire récente de son pays. Ses interrogations la mèneront à une découverte bouleversante au sein de son propre foyer.

For further information on this dark period of the Argentinean history, please visit:
http://www.film.u-net.com/Movies/Reviews/Official_Story.html
http://icg.harvard.edu/~sp35/handouts/g-historia.htm
Cinema for Spanish conversation:
http://www.pullins.com/excerpts/ch09.pdf

vécu par toute une génération de chiliens pour qui la période de la dictature militaire se pose encore comme une plaie vive.

Les images bouleversantes de la prise de la Moneda par l'armée, le 11 septembre 1973, constituent le point de départ de cette période noire pendant laquelle des milliers d'opposants furent emprisonnés torturés, tués, ou s'enfuirent du pays. Les protagonistes ont tous les trois un bout commun d'existence : un père assassiné en ce jour fatidique de septembre, le refus systématique de l'exil et ce militantisme qui fit tranquillement renaître le pays de ses cendres au début des années 80. Tous sont descendus dans la rue, chaque fois en risquant leur vie, pour acheminer le Chili vers la démocratie. Tous étaient là, le jour du plébiscite de 1989 pour dire "Non" au général lorsqu'il proposa au peuple chilien d'effectuer un mandat supplémentaire de 8 ans.

Le documentaire est composé de témoignages, de réflexions entrecoupées de scènes vidéo visant à faire comprendre la complexité de la période dictatoriale et post-dictatoriale. Pour l'étranger, c'est l'occasion de réaliser la présence du profond fossé ayant divisé et divisant toujours la société chilienne, soit la qualification même à donner au régime de Pinochet. Certains constateront non sans stupeur que pour certains chiliens (40.6 % si l'on en croit les résultats du plébiscite de 1989), Pinochet fut rien de moins qu'un sauveur ou du moins un politicien respectable (à ne pas manquer : un extrait de discours dans lequel il se félicite de l'importance accordée par son gouvernement aux droits de la personne !). Pour les victimes de la dictature, enfin, cette œuvre permettra peut-être d'achever la réconciliation avec cette trouble période de l'histoire et, sans pour autant oublier, de se tourner vers l'avenir.

Des réflexions universelles sur l'oppression, la révolte et le deuil. Un film brillant, touchant, à voir absolument.

Un festival génial, donc, une atmosphère festive (du moins pendant la période précédant la projection…) et, pour les gens n'ayant pas une minute à perdre, une excellente occasion de pratiquer votre espagnol (ou votre portugais, qui sait…). ¡El año próximo, no se lo pierdan ! ■

Kawaskimhon: "Speaking with Knowledge"

by Christa Akey and Samantha Lamb
(Moot participants & ALA members)

You have noticed that everything an Indian does is in a circle, and that is because the Power of the World always works in circles, and everything tries to be round... The sky is round, and I have heard that the earth is round like a ball, and so are all the stars. The wind, in its greatest power, whirls. Birds make their nests in circles, for theirs is the same religion as ours... Even the seasons form a great circle in their changing, and always come back again to where they were. The life of a man is a circle from childhood to childhood, and so it is in everything where power moves.
Black Elk (1863-1950)
Oglala Sioux holy man

This past weekend the Faculty of Law at McGill, too, tried to be "round." The Faculty of Law of McGill was the proud host of Kawaskimhon 2003, the Aboriginal Moot.

Kawaskimhon is a non-competitive moot that focuses on current Aboriginal rights legal issues and takes the form of an Aboriginal talking circle.

The subject of this year's moot was A.G Canada v. Misquadis, a Charter case concerning local Aboriginal control over employment training programs. The trial judgment has been appealed and thus the moot simulated the appeal, but in talking circle format. It was reported that representatives from Human Resources Development Canada were in the audience listening to the proposed solutions of the moot participants.

Participants in the event included both Aboriginal and non-Aboriginal students from across Canada and teams represented a large cross-section of interests, including: the Canadian government, the Assembly of First Nations, the Métis National Council, the Native Women's Association of Canada, the individual claimants, and several groups representing urban Aboriginal people.

On Day 1, each team presented their initial position to the circle, and on Day 2 the talking circle focused on consensus-building and ameliorating group concerns. This was a tremendous opportunity to exercise skills that are rarely emphasized in the Canadian legal system (consensus-building, collective thinking, co-operation, creativity…). Additionally, it was a terrific opportunity to meet other Canadian students interested in Aboriginal legal issues.

A special thanks to the organizing committee, the facilitators and the volunteers who did a fantastic job ensuring that everything ran smoothly. The event featured Aboriginal culture, food and entertainment (The Mohawk singers and dancers were sensational!).

As McGill participants, we received a lot of feedback from other schools about how well organized the moot was and how welcoming our volunteers were.

The Aboriginal Moot is an opportunity not to be missed. It is for everyone who believes that the Canadian legal system is not the adequate forum for all legal interests and that negotiation and conciliation are key strategies for maintaining healthy legal relationships amidst social diversity.

Traditionally McGill has participated in the Aboriginal moot only every two years, but we are hoping to change this! So do your part to make the law faculty "round" and voice your interest in participating in Kawaskimhon 2004. Stay tuned for updates from the Aboriginal Law Association!■

CALL FOR: TUTORIAL LEADERS / AUXILIAIRES D'ENSEIGNEMENT

Legal Methodology Teaching-Group (1st year) (4 credits)

Twelve upper year students are required to teach in the Legal Methodology Teaching Group (first-year). These tutorial leaders are responsible for a significant portion of the instructional component of the Introductory Legal Research course. Tutorial Leaders will work in teams of three, under the general supervision of a team of two professors, although each Tutorial Leader will be individually responsible for a group of 12-14 first-year students. Tutorial Leaders are primarily responsible for instruction on research methods, including the setting of specific research assignments, and for the legal writing and pleading components of the course. Tutors will meet with their group of first-year students on a regular basis. Tutors will also meet weekly with the Methodology Programme Instructors. Tutors receive a letter grade in this course.

In addition to the teaching component of the course, all tutorial leaders are also responsible for assisting first-year students in adapting to their studies in the Faculty of Law. Their responsibilities therefore include encouraging the creation of a supportive environment as well as detecting and addressing emotional or academic difficulties in adapting to law school.

Prerequisites: At least four full-time terms in the Faculty (preference will be given to applicants currently in third year), academic achievement in the Faculty of Law, fluency in English and French, leadership qualities, strong interpersonal skills, demonstrated ability in legal research and writing, and teaching experience. Selection is based on applicants' resume, transcript and an interview. Students may indicate in their application whether they would prefer to teach an English section, a French section or a bilingual section.

The course will be under the direct supervision of the instructor for the teaching-group course (t.b.a.) and Prof. Geneviève Saumier, the chair of the Legal Methodology Programme.

Legal Methodology Teaching Group (2nd year) (4 credits)

Nine upper year students are required for the Legal Methodology Teaching Group (Second Year). These students are responsible for a significant portion of the instructional component of the Legal Writing, Mooting, and Advanced Legal Research course, including instruction on research methods and the setting and supervision of research, writing, and mooting assignments. The tutors will work in teams of three, under the general supervision of a team of two professors, although each tutor will be individually responsible for a group of 16-18 second-year students. Tutors meet with their group of second-year students on a regular basis. They will also meet weekly with the course instructor. All second-year groups are taught in both English and French. Tutors are assigned a letter grade for their performance in this course.

Prerequisites: At least four full-time terms in the Faculty (preference will be given to applicants currently third year), fluency in English and French, academic achievement in the Faculty of Law, interpersonal and organisational skills, demonstrated ability in legal research and writing, teaching and mooting experience. Selection is based on applicants' resume, transcript and an interview.

The course will be under the direct supervision of the instructor for the teaching-group course (t.b.a.) and Prof. Geneviève Saumier, the chair of the Legal Methodology Programme.

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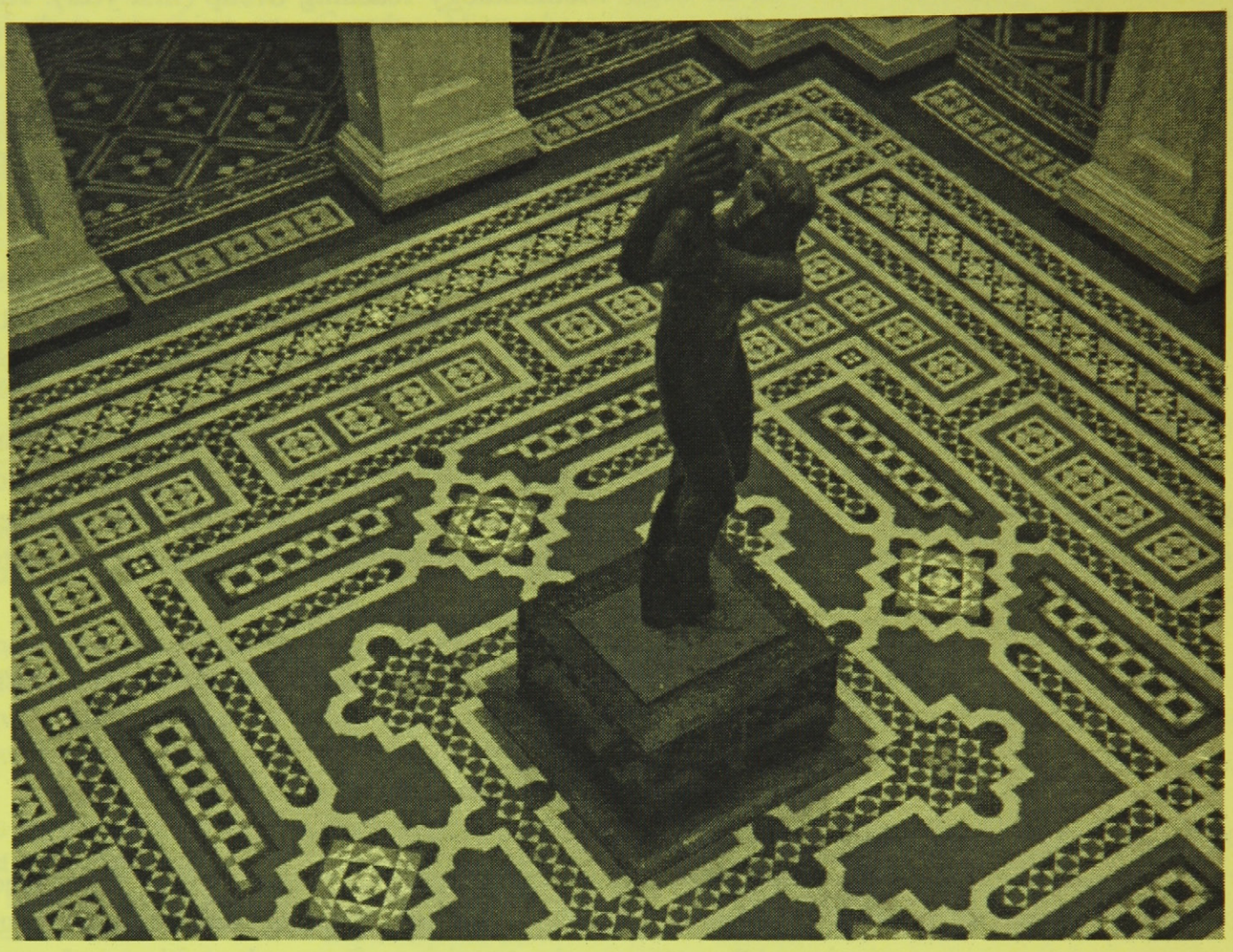
An information session will be held at 12:30 on March 24th, in Room 200. Please remit your application, addressed to Prof. Geneviève Saumier, at the OUS. One application will suffice for both Teaching Groups. You should include: (i) a cover letter explaining the reasons motivating your application (you may, if you wish, indicate in your letter a preference between the two Teaching Groups); and (ii) a curriculum vitae, including the names of referees if possible. You do not need to include a transcript. **The deadline for applications is Friday March 28th**. Interviews will take place during the first week of April and selected applicants will be contacted by e-mail. Questions may be addressed to Peter Pound at 398-4715 ext. 089664.

30th Annual Gale Cup Moot
30e Concours de la Coupe Gale



Fraser Milner Casgrain LLP and the **Ontario Bar Association** are pleased to announce the winners of the 30th Annual Gale Cup Moot Competition that took place February 21-22, 2003.

Fraser Milner Casgrain s.r.l. et l'**Association du Barreau de l'Ontario** sont heureux d'annoncer les équipes qui ont remporté le Concours de la Coupe Gale les 21 et 22 février 2003.

1. **University of Montréal / Université de Montréal**
2. **University of New Brunswick / Université du Nouveau-Brunswick**
3. **University of Toronto / Université de Toronto**
4. **Osgoode Hall / Osgoode Hall**

University of Montréal won the Gale Cup and has qualified to represent Canada at the Commonwealth Moot Competition in Melbourne, Australia on April 13-17, 2003 and will be sponsored in part by the Harold G. Fox Education Fund.

L'Université de Montréal a remporté la Coupe Gale et représentera le Canada au Concours du Commonwealth qui se tiendra à Melbourne (Australie) du 13 au 17 avril 2003. Une subvention du Fonds pour l'éducation Harold G. Fox l'aidera à financer ses frais de déplacement.

"Canada's premiere, national, bilingual mooting competition featuring students from 16 law schools."

«Le premier tribunal-école national bilingue au Canada, réunissant cette année des étudiants de 16 facultés de droit.»

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